

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DOROTHY MURPHY,)	
)	
Plaintiff,)	Case No. 08 CV 2027
)	
v.)	Honorable Milton I. Shadur
)	
FAIRMONT CARE CENTER,)	Magistrate Judge Martin C. Ashman
)	
Defendant.)	

MOTION FOR RELIEF FROM APPOINTMENT AS COUNSEL

J. Matthew Pfeiffer (“PFEIFFER”), as counsel appointed to represent the Plaintiff, Dorothy Murphy (“PLAINTIFF”), moves this Honorable Court, pursuant to Local Rule 83.38 of the Rules of the United States District Court for the Northern District of Illinois, for relief from an order of appointment previously entered in this case. In support of this motion,

1. On April 29, 2008, PLAINTIFF filed a *Complaint of Employment Discrimination* (the “COMPLAINT”) in the above-captioned case.

2. On or about May 5, 2008, this Honorable Court appointed PFEIFFER to represent PLAINTIFF in the above-captioned case pursuant to PLAINTIFF’S application to proceed in forma pauperis, PLAINTIFF’S motion for appointment of counsel, and Local Rule 83.36 of the Rules of the United States District Court for the Northern District of Illinois.

3. During the course of representing PLAINTIFF in this case, PFEIFFER has determined that there is substantial personal incompatibility between PLAINTIFF and him.

4. During the course of representing PLAINTIFF in this case, PFEIFFER has determined that there is a substantial disagreement between PLAINTIFF and him as to litigation strategy regarding her claims asserted herein.

5. During the course of representing PLAINTIFF in this case, PLAINTIFF has accused PFEIFFER and his office staff of lying to her about various rudimentary matters such the scheduling of office appointments and directions to PFEIFFER'S office as part of the alleged conspiracy to undermine her efforts to pursue her claims.

6. During the course of representing PLAINTIFF in this case, PFEIFFER has attempted to fully interview PLAINTIFF, by telephone and in face-to-face conferences, to discuss the substance of her causes of action alleged in the COMPLAINT and to review any documents that substantiate such claims. During the course of such communications, PLAINTIFF has not adequately explained to PFEIFFER facts sufficient to establish that her claims are warranted by existing law.

7. During the course of representing PLAINTIFF in this case, PFEIFFER has asked, in telephone conversations with PLAINTIFF and in writing to PLAINTIFF, to produce all documents in her possession that would help support her positions as to each of her claims in the COMPLAINT. Despite maintaining that such documents are in her possession, PLAINTIFF has not produced such documents to PFEIFFER.

8. During the course of representing PLAINTIFF in this case, PLAINTIFF has accused PFEIFFER of being part of a conspiracy involving the Defendant, Fairmont Care Center, as well as its counsel and others to undermine her efforts to pursue her claims.

9. In four separate communications on June 20, 2008; June 21, 2008; and June 22, 2008, PLAINTIFF requested of PFEIFFER to ask this Court to appoint new counsel to represent her, as she considers PFEIFFER to be part of an alleged conspiracy with the defendant and not representing or not capable of representing her best interests.

10. Because of PLAINTIFF'S stated positions and PFEIFFER'S inability to extract basic, critical information from her in order to determine how best to proceed in this case, PFEIFFER seeks this Honorable Court's entry of an order terminating his appointment as counsel for PLAINTIFF in this case and relieving him of any duties and responsibilities as appointed counsel herein.

For all of the foregoing reasons, PFEIFFER respectfully requests that this Honorable Court enter and issue an *Order*:

- A. Granting the instant motion, terminating PFEIFFER'S appointment as counsel for PLAINTIFF in this case, and relieving PFEIFFER of any duties and responsibilities as appointed counsel in this case;
- B. Directing the appointment of counsel other than PFEIFFER to represent PLAINTIFF in this case or, alternatively, permitting PLAINTIFF to prosecute her actions pro se; and
- C. Providing PFEIFFER with such other and further relief as this Court deems appropriate and just.

Respectfully submitted,

**J. MATTHEW PFEIFFER,
Appointed Counsel for Plaintiff**

/s/ J. Matthew Pfeiffer

J. Matthew Pfeiffer, Esq.
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Illinois Atty. No. 6272868

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NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on June 23, 2008, I caused to be filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, the following documents, a copy of each of which is attached hereto and hereby served upon you:

- Motion for Relief From Appointment as Counsel; and
- Notice of Filing & Certificate of Service for the aforesaid motion.

/s/ J. Matthew Pfeiffer
APPOINTED COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned attorney on oath certifies that on June 23, 2008, he served the foregoing Notice and the document(s) referenced therein via the methods of delivery noted on the attached Service List, in accordance with the Federal Rules of Civil Procedure.

/s/ J. Matthew Pfeiffer
APPOINTED COUNSEL FOR PLAINTIFF

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(312) 651-2400
Illinois Atty. No. 6272868

SERVICE LIST

**MURPHY V. FAIRMONT CARE CENTER
CASE NO. 08 CV 2027**

**Via CM/ECF Electronic Notice of Filing
and U.S. Mail**

Kenneth A. Henry, Esq.
One North LaSalle Street
Suite 2200
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**Via Certified Mail, Return Receipt Requested, Restricted Delivery
and U.S. Mail**

Ms. Dorothy Murphy
5310 West North Avenue
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Via U.S. Mail

Ms. Dorothy Murphy
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